

SHER TREMONTE LLP

July 26, 2023

BY ECF & HAND DELIVERY

Ruby J. Krajick
Clerk of Court
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Jona Rechnitz*, 16 Cr. 389 (AKH)

Dear Ms. Krajick:

We represent Jona Rechnitz, the defendant in the above-referenced case. Earlier today, the United States Court of Appeals for the Second Circuit vacated the judgment in this matter and remanded the case for reassignment to a different district judge and for plenary resentencing. *See United States v. Rechnitz*, No. 20-1011, Slip Op. at 6, 51 (2d Cir. July 26, 2023). Pursuant to Local Civil Rule 1.6(a), we write to provide the Court with facts that are relevant to a determination of which district judge should hear the case. Local Rule 1.6(a) obligates an attorney to provide such facts where a case “and one or more *pending* civil or criminal cases should be heard by the same Judge.” S.D.N.Y. Local R. 1.6(a) (emphasis added). Here, no other cases are concurrently pending with this one; nonetheless, in an abundance of caution, we respectfully provide the following information to the Court in the interest of conserving judicial resources.

The instant case was related to the now-closed matter *United States v. Seabrook*, 16-CR-467 (AKH). In that matter, Mr. Rechnitz cooperated and testified against Norman Seabrook in a jury trial before Judge Hellerstein. That trial was a retrial of Mr. Seabrook, following a jury trial before Judge Carter against both Mr. Seabrook and his co-defendant, Murray Huberfeld (Mr. Huberfeld pleaded guilty between the two trials). Judge Carter heard roughly the same testimony that Mr. Rechnitz gave in the trial before Judge Hellerstein, and presided over a case involving the same charges and same restitution issues that were raised in this Court and on appeal. Accordingly, we believe Judge Carter is the most familiar with the facts at issue in the matter that the Second Circuit remanded for reassignment.

Judges Liman and Woods also have some familiarity with the issues in this case. Judge Liman resentenced Mr. Huberfeld after his case was reassigned from Judge Hellerstein. *United States v. Seabrook*, 16-CR-467 (LJL), ECF. No. 296. Judge Woods presided over a separate trial in which Mr. Rechnitz testified as a cooperating witness for

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the government, *United States v. Reichberg*, 16-CR-468 (GHW), and also heard Mr. Rechnitz testify, albeit in a case that does not raise the same restitution issues that have been the subject of litigation here.

We appreciate the Court's consideration.

Respectfully submitted,

/s/Noam Biale

Noam Biale

Michael Tremonte

Attorneys for Jona Rechnitz

cc: Chambers of the Honorable Chief Judge Laura Taylor Swain (by email)